

REMARKS

Upon entry of this amendment, claims 1, 5-21 and 27-42 will be pending in the present application. Claims 7-21 and 27-40 have been withdrawn from consideration. Claims 1, 5 and 6 have been amended and claims 2-4 and 22-26 have been cancelled without prejudice and claims 41 and 42 are added by the present amendment.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The amendment to claim 1 obviates this rejection. Therefore, Applicant respectfully requests that the rejection of claim 1 and its dependent claims 5 and 6 have the rejections under 35 U.S.C. § 112 second paragraph be removed.

Claim Rejections Under 35 U.S.C. § 102

Claims 1 and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ueda et al. (U.S. Publication No. 2001/0007545 A1). Applicant respectfully traverses these rejections. Applicant notes that claim 22 has been cancelled without prejudice. Therefore, the rejection of this claim is now moot. Therefore, Applicant will direct remarks to independent claim 1.

A claim is anticipated only if each and every element as forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP Sec. 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir.1987).

Applicant respectfully asserts that Ueda does not teach or suggest all of the claim limitations as recited in claim 1. For example, claim 1 recites a high-density recording medium including, among other things, a specific area where, “the specific area is a burst cutting area and the burst cutting area includes a plurality of data units, each data unit is composed of 16 information data and 16 parity data and the disc information is included in 16 information data of at least one data unit.”

A review of the Ueda reference yields that it does not anywhere teach or discuss parity data at all, let alone the combination of claim 1 and especially the combination of claim 1 including the specific features quoted above. Therefore, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Ueda be removed.

Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Watanabe et al. (U.S. Publication No 2004/0156294 A1). A review of the Watanabe reference shows that it has some of the same shortcomings as the Ueda reference as far as anticipating claim 1. For example, the Watanabe reference also does not discuss parity data at all, let alone the combination recited in claim 1 including the very specific language recited above. Because the Watanabe reference does not teach or suggest all of the limitations of claim 1, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 102(e) as being anticipated by Watanabe be removed.

Claim Rejections Under 35 U.S.C. § 103

Claims 2-3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe et al. (U.S. Publication No. 2004/0156294 A1). Applicant does not acquiesce to the rejection, but to forward prosecution, claims 2 and 3 have been cancelled by the present amendment, thus rendering the rejection moot.

Claims 4-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe et al. (U.S. Publication No. 2004/0156294 A1) as applied to claim 3 above, further in view of Senshu (U.S. Publication No. 2002/0191510 A1). Applicant respectfully traverses these rejections. Applicant does not acquiesce to the rejection, but to forward prosecution, claim 4 has been cancelled without prejudice. Therefore, the rejection of claim 4 is moot.

Claim 5 ultimately depends from claim 1 which has been shown, at least for the reasons above, to be patentable over the Watanabe reference. Therefore, claim 5 is patentable at least by reason of its dependency.

Claims 6 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda et al. (U.S. Publication No. 2001/0007545 A1). Applicant respectfully traverses these rejections. Applicant does not acquiesce to the rejection, but to forward prosecution, claim 26 has been cancelled without prejudice. Therefore, the rejection of claim 26 is moot.

Claim 6 depends ultimately from claim 1. Claim 1 has been shown, at least for the reasons described above, as patentable over Ueda. Therefore, claim 6 is patentable at least by

reason of its dependency. Therefore, Applicant respectfully requests that the rejection of claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Ueda be removed.

Claims 23-25 are rejected under 35 U.S.C. §103 (a) as being unpatentable over Ueda et al. (U.S. Publication No. 2001/0007545 A1) as applied to claim 22, above, further in view of Senshu (U.S. Publication No. 2002/0191510 A1). Applicant does not acquiesce to these rejections, however to forward prosecution, claims 23-25 have been cancelled by the present amendment, thus rendering the rejection moot.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 5-6, and 41-42 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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